

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DENESSA WESTBROOK, APRIL
WESTBROOK, and MARTIN WESTBROOK,

Plaintiffs, USDC Case No. 09-11457
vs. Hon. Nancy G. Edmunds
Mag. R. Steven Whalen

LARRY DAVIS, JOSEPH WEEKLEY,
JASON BRASGALLA, KEVIN SHEPHARD,
G. CHESTER, D. FOSTER, C. ANDERSON,
T. DOLLINGER, S. HOWITT, and E. HAYES,

Defendants.

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SHAWN C. CABOT (P-64021) Attorney for Defendants
CHRISTOPHER TRAINOR & ASSOC City of Detroit Law Department
Attorneys for Plaintiffs 1650 First National Building
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DEFENDANTS' RESPONSE TO PLAINTIFFS'
MOTION TO VACATE JUNE 29, 2010 ORDER

In response to Plaintiffs' Motion To Vacate, defense counsel inquired and was informed the City of Detroit Law Department submitted a check request, in the amount of the settlement, to the City of Detroit Finance Department on October 21, 2010. Despite constant inquiries, to date, the check has not been submitted to the Law Department for payment to Plaintiffs.

When this matter was settled in the best interest of all parties, as stated in the Release between the parties, Plaintiffs were aware that no date certain could be given for

payment of a settlement check based on the City of Detroit's lengthy settlement process. Because of current economic conditions and City workforce reductions, the settlement process has become more time-consuming than in the past. Nonetheless, defense counsel and the Law Department continue to demand the check and, hopefully, the settlement check will be cut before or on December 3, 2010.

Defendants respectfully request that this honorable court give the City of Detroit until December 3, 2010, to issue the settlement check before reinstating the case and/or assessment of costs and fees.

Respectfully submitted,

CITY OF DETROIT LAW DEPARTMENT

S/ Jerry L. Ashford

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Dated: November 24, 2010

I hereby certify that on November 24, 2010, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the above counsel of record.

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